

REMARKS/ARGUMENTS

Claims 1-8 and 10-33 are pending in this application. By this amendment, claim 9 is cancelled without prejudice or disclaimer. Claims 10, 12, 16, 20, 21 and 30-31 are amended to correct their dependency and clarify the invention. Claims 32-33 are added. The specification is amended to correct the FIG. numbering. Support for these amendments are found in the specification. No new matter is added.

MATTERS OF FORM

The Office Action objects to the specification regarding FIGURES 10 and 11. Applicants have deleted the reference to FIGS. 10 and 11 in the specification to obviate this objection.

The Office Action objects to claims 30 and 31 for incorrect dependencies. Applicants have amended claims 30 and 31 to correct the dependencies to obviate this objection.

The Office Action rejects claims 9, 10, 20 and 30 under 35 U.S.C. §112, second paragraph. Specifically, the Office Action objects to the trademark/tradename SATO and DataMax. Applicants have amended these claims to specifically refer to an identified Model No. Additionally, these printers are well known to use either a direct thermal or thermal transfer process. Thus, no new matter is added. Therefore, this rejection has been obviated.

PATENTABLE SUBJECT MATTER

The Office Action rejects claims 17-26 under 35 U.S.C. §101 over claims 14-23 of copending Application No. 10/845,244. Notwithstanding the fact that copending Application

No. 10/845,244 was filed after the instant application and, therefore, does not constitute prior art, Applicants have submitted an Amendment in the prosecution of copending Application No. 10/845,244, canceling claims 14-23. Accordingly, this rejection is rendered moot.

The Office Action rejects claims 1-16 under obvious-type double patenting over claims 1-13 of copending Application No. 10/845,244. For the same reasons stated above, Applicants submit a Terminal Disclaimer in the prosecution of copending Application No. 10/845,244. Accordingly, this rejection has been obviated.

The Office Action rejects claims 1, 2, 4-8, 13-15, 17-19, 23-27 and 31 under 35 U.S.C. §103(a) over Snyder, et al. (U.S. Patent No. 6,199,614) in view of Bernhard, et al. (U.S. Patent No. 6,024,149). This rejection is respectfully traversed.

Applicants' independent claim 1 recites a label application system for transferring labels from a liner onto a target surface, comprising: (a) a label printer; (b) a label applicator assembly, the applicator assembly having at least an air-directing manifold and an applicator head, the applicator head having an angled surface; (c) a feed reel for supplying a label provided on a liner to the printer; and (d) a take-up reel for spooling an expended liner, the liner having tension between the feed reel and the take-up reel.

Applicants' independent claim 17 recites a label application method for using air to transfer labels from a liner onto a target surface, comprising: (a) providing a label on a label liner to a printer from a feed reel; (b) printing a label on a label printer; (c) positioning a label applicator assembly over a target surface, the applicator assembly having at least an air-directing manifold and an applicator head, the applicator head having an angled surface; (d) transferring the label from the liner to the target surface using applicator head-directed air; and (e) spooling

the expended liner on a take-up reel, the liner having a tension between the feed reel and the take-up reel.

Applicants' independent claim 23 recites a label application system using air to transfer a label from a label applicator assembly to a target surface, comprising: (a) a printing means for printing on a label; (b) an applicator means for applying a label onto a target surface using air as a propellant, the applicator means having at least an air-directing means for directing air to an applicator head means, the applicator head means having an angled surface; (c) a label supplying means for supplying labels on a liner to the printer; and (d) a liner take-up means for spooling the expended liner, the expended liner having tension between the feed reel and the take-up reel.

Snyder discloses a high speed labeling machine having a constant tension driving system. The supply roll 16 supplies a web 12 having labels disposed therein. The web is fed to a peeler bar assembly 42 which includes a peeler bar 44 to separate the label from the web of vacuum material. A delivery roller 46 mounted on dispensing unit 18 directs web 12 toward peeler bar 44. An applicator 20 may be a conventional vacuum below applicator. (See Col. 5, lines 37-67, for example). A constant tensioning device utilizing a power dancer 24 exerts a substantially constant load on the web by the biasing force of spring 76 acting through a link 72 and lever arm 62 throughout the movement of arm 62. (See Fig. 1 and Col. 6, lines 11-55, for example).

Snyder's entire disclosure is directed toward the tensioning/dancer arm aspect of a high speed labeling machine. There is no discussion or suggestion in Snyder regarding the use of an applicator head having an angled surface. In fact, Fig. 1 clearly shows the flat head of the applicator 20 (shown with the label 14 of Figs. therein). Thus, it is readily apparent that Snyder does not disclose all the claimed features of Applicant's invention.

Bernhard does not cure the deficiency of Snyder. Specifically, Bernhard discloses labeling apparatus having a suction plate 16 with a moveable flat side 23 with an laterally groove 25 of the section plate 16. An air blast plate 19 having blast nozzles 20 is controlled by laterally moving the flat slide 23 to accommodate various lengths of labels. (See FIGS. 3 and 8, for example).

Air blast plate 19, having blast nozzles 20, is congruent with the position of the suction openings 17 in the suction plate 16. The label 3 is detached from the backing strip 4 at the removal bar of 8 and slides first of all with its front edge along the inclined sliding surface 50 and is deflected slightly downwards in its removal direction by the peeling edge 52 so that it [label] travels at an acute angle to the suction plane 49 beneath the suction plate 16. During the removal procedure a flow of air is blown against the under side of the label 3 by a support air pipe 53 arranged below the suction plane 46 through fine blast nozzles 54. This causes the label 3 to abut on the suction plate 16 and prevents the label from falling off during its transfer to the suction plate 16. (See Col. 7, lines 3-15, for example).

As is readily apparent from the above description and from FIG. 3, the “applicator head” having the blast nozzles 20 are in the suction plane 49 which is parallel to the suction plate 16. The asserted “inclined” surface of Bernhard is thus labeled sliding surface and does not operate as part of the applicator head for suction or blast. In fact, FIG. 3 clearly shows that there are no suction or blast nozzles through the inclined surface 50. Accordingly, Bernhard’s inclined surface 50 does not operate as an applicator head or even as an applicator, but rather as a label liner-to head transference mechanism, much akin to the peeler of Snyder. Therefore, even if combined with Snyder, the combination would not result in the Applicants’ invention.

Accordingly, as is apparent from Bernhard's description, Bernhard does not supply the subject matter lacking in Snyder. Therefore, Bernhard and Snyder individually or in combination, do not disclose all of the claimed subject matter of Applicant's invention.

Claims 2, 4-8, 13-15 depend from claim 1, claim 18-19 depend from claim 17, and claims 24-27 and 31 depend from claim 23. Accordingly, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Snyder and Bernhard in view of Marano (U.S. Patent No. 3,436,294). This rejection is respectfully traversed. As is admitted in the Office Action, Marano is directed to a drive motor intermittently energized by way of an electrically controlled clutch and brake assembly. As is apparent from Marano, there is no discussion or suggestion regarding the subject matter lacking in Snyder or in Bernhard, as discussed above. Accordingly, Marano, Snyder and Bernhard individually or in combination, do not disclose or suggest all the claimed features of Applicant of independent claim 1.

Claim 3 depends from claim 1. Therefore, for at least the above reasons, Applicants respectfully the withdrawal of this rejection.

The Office Action rejects claims 9, 10, 20 and 30 under 35 U.S.C. §103(a) over Snyder in view of Bernhard and further in view of O'Brien, Jr. (U.S. Patent No. 6,220,330). This rejection is respectfully traversed.

As is amended in the Office Action, O'Brien is directed to a positioning arrangement for a labeling station utilizing a SATO model no. 8485S printing engine. There is no suggestion or discussion in O'Brien, Jr. regarding the subject matter lacking in Snyder and Bernhard as discussed above. Accordingly, O'Brien, Jr., Snyder and Bernhard individually or in combination, do not disclose or suggest all the claimed features of Applicants' invention.

Claim 10 depends from claim 1, claim 20 depends from claim 17, and claim 30 depends from claim 23. Accordingly, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claims 11, 12, 22 and 29 under 35 U.S.C. §103(a) over Snyder, Bernhard, in view of Cleary, et al. (U.S. Patent No. 3,682,743). This rejection is respectfully traversed.

As is amended in the Office Action, Cleary is directed to a labeling machine having a supply reel of labels mounted between guide discs with a releasable locking handle. As is clear from the disclosure and figures of Cleary, there is no discussion or suggestion regarding the matter lacking in Snyder and Bernhard, as discussed above. Accordingly, Cleary, Snyder and Bernhard, individually or in combination, do not disclose or suggest all of the claimed features of Applicants' invention.

Claims 11-12 depend from claim 1, claim 22 depends from claim 17, and claim 29 depends from claim 23. Accordingly, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claims 1, 2, 4-8, 17-19 and 23-26 under 35 U.S.C. §103(a) over Snyder in view of Allen (U.S. Patent No. 5,853,530). This rejection is respectfully traversed.

Allen is directed to a hot gas label applicator using a heated peeler bar. A hot gas dispenser is attached to the label dispenser to heat and soften the adhesive on the labels to enable easier adhesion. The label applicator device 10 includes a label dispenser 36 with a peeler bar 42 for removing labels 12 from the backup strip 14 and transferring the labels to label receiver 38. The label dispenser 36 also includes a hot gas dispenser 52 having at least one nozzle 56 coupled adjacent the peeler bar 42. (See Col. 8, lines 5-32, for example).

As is apparent from the above description provided in Allen, there is no suggestion or disclosure regarding the subject matter lacking in Snyder, as discussed above. Accordingly, Allen and Snyder, individually or in combination, do not disclose or suggest all the claimed features of Applicants' invention.

Claims 2 and 4-8 depend from claim 1, claims 18-19 depend from claim 17, and claims 24-26 depend from claim 23. Accordingly, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Snyder in view of Allen and further in view of Marano (U.S. Patent No. 3,436,294). This rejection is respectfully traversed.

Marano is directed to a label dispensing apparatus with a sensing electrode 139 having a contact brush 141 over a contact plate 120. Label indexing apertures 113 are horizontally displaced about a block 136. Labels L1 are dispensed from the block 136 onto a peripherally grooved pressure roller 131. (See Col. 10, lines 10-33 and Figs. 6-8, for example). By intermittent contact of the electrode 139, an opening of a switch S1 is initiated to suitably energize drive motor M by way of an electrically controlled clutch and brake assembly C.

However, as is apparent from Marano's description and figures, the label dispensing apparatus utilizes a pressure roller. Accordingly, there is no discussion or suggestion in Marano regarding the subject matter lacking in Snyder and Allen, as discussed above. Therefore, Marano, Snyder and Allen, individually or in combination, do not disclose or suggest all the claimed features of Applicants' independent claim 1.

Claim 3 depends from claim 1. Therefore, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claims 9, 10, 20 and 30 under 35 U.S.C. §103(a) over Snyder in view of Allen and further in view of O'Brien, Jr. This rejection is respectfully traversed.

Notwithstanding the fact that O'Brien, Jr. may disclose a SATO printer model no. 8485S, neither O'Brien, Jr., or Snyder, or Allen disclose or suggest all of the claimed features of Applicants' invention, as discussed above. Accordingly, O'Brien, Jr., Snyder, and Allen, individually or in combination do not render obvious the subject matter of the Applicants' claimed invention.

Claim 10 depends from claim 1, claim 20 depends from claim 17, and claim 30 depends from claim 23. Therefore, for at least the above reasons, Applicants respectfully request the withdrawal of this rejection.

The Office Action rejects claims 11-12, 22 and 29 under 35 U.S.C. §103(a) over Snyder, Allen and further in view of Cleary, et al. This rejection is respectfully traversed.

For at least the same reasons as discussed above, neither Snyder, Allen, or Cleary, et al. disclose or suggest all the claimed features of Applicants' invention.

Claims 11-12 depend from claim 1, claim 22 depends from claim 17, and claim 29 depends from claim 23. Accordingly, for at least the above reasons, Applicant respectfully request the withdrawal of this rejection.

CONCLUSION

In view of the above Applicants respectfully submit that this application is in condition for allowance. Should the Examiner believe that anything further is necessary to place this application in an even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

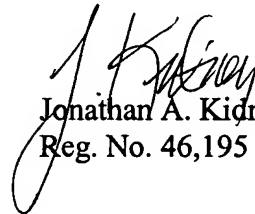
Docket No. 38763.1561
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Customer No. 30734

Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge \$50.00 to Deposit Account No. 50-2036 for an additional dependent claim fee.

Respectfully submitted,

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